

[Counsel of Record Listed on Following Page]

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

MATTHEW PHILLIBEN, individually and
on behalf of all others similarly situated; and
BYRON McKNIGHT, individually and on
behalf of all others similarly situated,

Plaintiffs,

vs.

UBER TECHNOLOGIES, INC., a Delaware
Corporation; and RASIER, LLC, a Delaware
Limited Liability Company,

Defendants.

Case No. 3:14-cv-05615-JST

HON. JON S. TIGAR

**JOINT STIPULATION AND ~~PROPOSED~~
ORDER UPDATING THE COURT ON THE
PARTIES' SETTLEMENT IN PRINCIPLE
AND REQUESTING THAT ARBITRATION
HEARING BE VACATED**

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Uber Technologies, Inc. and Rasier, LLC

TO THE HONORABLE COURT AND THE CLERK OF THE COURT:

Pursuant to Civil Local Rule 6-2, Plaintiffs Julian Mena, Todd Schreiber, Nate Coolidge and Ernesto Mejia (“Plaintiffs”) and Defendants Uber Technologies, Inc. and Rasier, LLC (“Defendants”) (collectively with Plaintiffs, the “Parties”) provide this update to inform the Court that they have reached a settlement in principle in this case. The Parties are working on a Stipulation of Settlement with the goal of filing it along with a motion for preliminary approval before the end of 2015. As a result, the Parties respectfully request this Court to vacate Defendants’ Motion to Stay Proceedings Pending Arbitration (Dkt. #25), currently scheduled to be heard on December 17, 2015.

By and through their respective counsel of record, the Parties hereby stipulate and request that the Court enter an Order as follows:

WHEREAS, Plaintiffs commenced this action on December 23, 2014 [Dkt. #1];

WHEREAS, on March 20, 2015, Defendants filed a Motion to Stay Proceedings Pending Arbitration [Dkt. #25];

WHEREAS, this Court granted the Parties’ Joint Stipulation and [Proposed] Order Updating the Court on Settlement Discussions and Requesting Extension of Temporary Stay on November 16, 2015 [Dkt. 61];

WHEREAS, the hearing on Defendants’ Motion to Stay Proceedings Pending Arbitration is currently scheduled for December 17, 2015;

WHEREAS, a Combined Case Management Conference is currently scheduled for January 25, 2016 [Dkt. # 62];

WHEREAS, the Parties have reached a settlement in principle in this matter and are drafting a Stipulation of Settlement, with the goal of filing said Stipulation along with a motion for preliminary approval by the end of 2015;

WHEREAS, no scheduling order has been entered and no trial date has been set for this case and the parties believe that the granting of the herein requested continuances will not have any effect on the schedule for the case;

1 **NOW THEREFORE**, in consideration of the foregoing, the Parties, by and through their
2 undersigned counsel, hereby stipulate, agree and request that the Court enter an Order as follows:

3 1. That, pursuant to Civil L.R. 6-2, the hearing on Defendant's Motion to Stay
4 Proceedings Pending Arbitration [Dkt. #25] presently set for December 17, 2015 at 2:00 p.m. be
5 vacated;

6 2. That the Combined Case Management Conference presently set for January 25,
7 2016 at 1:30 p.m. [Dkt. #62], and the corresponding deadlines under Federal Rule of Civil Procedure 26
8 and the Court's orders, remain unchanged; and

9 3. That discovery remains stayed.

10
11 **IT IS SO STIPULATED.**

12
13 Dated: December 14, 2015

IRELL & MANELLA LLP

14
15 By: /s/ Andra B. Green
Andra Barmash Greene
A. Matthew Ashley

16
17 *Counsel for Defendants Uber Technologies, Inc. and Rasier,*
LLC

18
19 Dated: December 14, 2015

ARIAS SANGUINETTI STAHLE & TORRIJOS, LLP

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21 By: /s/ Alfredo Torrijos
Mike Arias
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23 LIDDLE & DUBIN, P.C.
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25 *Counsel for Plaintiffs Matthew Philliben and Byron*
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CERTIFICATION PER GENERAL ORDER NO. 45, § X-B

Pursuant to General Order No. 45, § X-B, I, Nathaniel Lipanovich, hereby certify that on December 14, 2015, Alfredo Torrijos and Andra Greene authorized me to submit this Joint Stipulation And [Proposed] Order Updating the Court on the Parties' Settlement In Principle and Requesting That Arbitration Hearing Be Vacated.

Dated: December 14, 2015

/s/ Nathaniel Lipanovich

Nathaniel Lipanovich

[PROPOSED] ORDER

Pursuant to the Parties' December 14, 2015 Stipulation, the Court:

- (1) Vacates the hearing on Defendant's Motion to Stay Proceedings Pending Arbitration [Dkt. #25];
- (2) Orders that the Combined Case Management Conference presently set for January 25, 2016 at 1:30 p.m. [Dkt. #62], and the corresponding deadlines under Federal Rule of Civil Procedure 26 and the Court's orders, remain unchanged; and
- (3) Orders that discovery shall remain stayed.

PURSUANT TO STIPULATION, IT IS SO ORDERED:

DATED: December 14, 2015

